

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Liliana Manuel	Team: Squad #7	CCRB Case #: 201602015	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/04/2016 10:00 AM, Sunday, 03/27/2016	Location of Incident: PSA 1 Stationhouse	Precinct: 60	18 Mo. SOL 9/4/2017	EO SOL 9/4/2017	
Date/Time CV Reported Sat, 03/05/2016 2:25 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/10/2016 10:41 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. SGT Alexander Saks	05335	937466	PSA 1

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened to arrest § 87(2)(b) on March 4, 2016.	
B.SGT Alexander Saks	Discourtesy: Sergeant Alexander Saks spoke discourteously to § 87(2)(b) on March 27, 2016.	
C.SGT Alexander Saks	Abuse: Sergeant Alexander Saks threatened to arrest § 87(2)(b) on March 27, 2016.	

Case Summary

On March 5, 2016, § 87(2)(b) filed a complaint with IAB regarding an incident on March 4, 2016 (Board Review 01). The complaint generated original log number 16-7918, and was received at the CCRB on March 10, 2016. On March 27, 2016, § 87(2)(b) filed an additional complaint with IAB, regarding an incident on March 27, 2016 (Board Review 02). The complaint generated original log number 16-10846, and was received at the CCRB on April 4, 2016. § 87(2)(g)

On March 4, 2016, at approximately 10:00 a.m., § 87(2)(b) went to the PSA1 Stationhouse, located on 2860 West 23rd Street in Brooklyn, and showed officers her PBA card and other miscellaneous documents. An unidentified officer told § 87(2)(b) that he would arrest her if she did not leave the stationhouse (Allegation A). § 87(2)(b) left the stationhouse and was not arrested or issued a summons.

On March 27, 2016, at approximately 11:00 a.m., § 87(2)(b) returned to the PSA1 Stationhouse to wish the officers a happy Easter. Sergeant Alexander Saks of PSA1 told § 87(2)(b) to “get the fuck out,” and stated that he would arrest her if she did not leave the stationhouse (Allegations B and C). § 87(2)(b) left and was not arrested or issued a summons.

This case went beyond the 90-day benchmark by approximately three weeks due to delays in receiving NYPD documents, and due to the numerous contact attempts made to § 87(2)(b) to obtain a sworn statement regarding the incident on March 27, 2016.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation § 87(2)(g)
- As of May 3, 2016, § 87(2)(b) had not filed a Notice of Claim with the City of New York in regards to either incident (Board Review 03).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) has eight prior CCRB complaints (Board Review 05):
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)
 - § 87(2)(b)

- § 87(2)(b)
- Sgt Saks has been a member of the NYPD for eleven years. He has had three past complaints, involving five allegations, none of which were substantiated. Two of the past allegations were threats of arrest, one of which was unsubstantiated, and one of which was closed as “Complaint Withdrawn.” Two other past allegations against Sgt Saks were allegations of discourtesy (word and action), one of which was closed as “Complaint Withdrawn,” and one of which was closed as “Complainant Uncooperative.”

Findings and Recommendations

Explanation of Subject Officer Identification

Allegation A

In her statement to IAB, unsworn phone statement to the CCRB, and sworn statement, § 87(2)(b) described the subject of the incident on March 4, 2016, as a bald, white male in his 30s, who was in plain clothes, wearing dungarees and a bullet-proof vest. Photos were received for six officers assigned to duties within the stationhouse on March 4, 2016, and photos and memo books were received for officers who would likely have been in plain clothes (Board Review 06; 07; 08; 09; 10; 11; 12; 13). None of the officers were bald, but Sgt Saks, PO Vincent Lindner, and PO William Dugan were found to have receding hairlines. PO Lindner and PO Dugan’s memo books confirmed that they were in court at the time of the incident (Board Review 12; 13). Though Sgt Saks was assigned to the desk sergeant during the incident on March 4, 2016, § 87(2)(b) emphasized that the subject officer of the incident on March 4, 2016, was a different officer than the subject of the incident on March 27, 2016. Furthermore, Sgt Saks confirmed in his CCRB interview that he was dressed in uniform on March 4, 2016. Sgt Saks noted that plain clothes officers from numerous commands, such as the warrant squad and two detective squads, frequently came to the PSA1 Stationhouse. § 87(2)(g)

§ 87(2)(b) added that the subject officer had arrested her in the past for § 87(2)(b) and she believed that the arrest had taken place over five years prior to March of 2016. A search of the Booking, Arraignment, and Disposition System (BADS), revealed that § 87(2)(b) had numerous past arrests, many of which were for § 87(2)(b) (Board Review 14). Many of the arrest reports were sealed. CTS searches concluded that all of her arresting officers either were no longer members of the NYPD, or no longer worked out of PSA1. § 87(2)(g)

Allegations B and C

§ 87(2)(b) described the subject of the incident on March 27, 2016, as a forty to fifty-year-old Russian male with an accent, wearing a regular NYPD uniform and a gold badge. The officer had been standing behind the desk. § 87(2)(b) stated that immediately after leaving the stationhouse, she heard gunshots and called 911 in regards.

Sgt Saks is a § 87(2)(b)-old Russian male who has an accent and wears a gold badge (Board Review 11). He was in uniform on the date of the incident. Sgt Saks explained that on March 27, 2016, he conducted roll call at the stationhouse at 7:10 a.m., responded to a report of gunshots at 7:52 a.m., and remained at that job for the next few hours. Though § 87(2)(b) alleged that the incident at the stationhouse occurred sometime between 9:45 a.m. and 11:00 a.m., when Sgt Saks would not have been at the stationhouse, the investigation determined that § 87(2)(b) provided an incorrect time frame. Though Sgt Saks denied interacting with § 87(2)(b)

§ 87(2)(b) on any of the alleged incident dates, he acknowledged his familiarity with her. § 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)

Allegation A – Abuse of Authority: An officer threatened to arrest § 87(2)(b) on March 4, 2016.

§ 87(2)(b) provided a statement to IAB on March 5, 2016, an unsworn phone statement to the CCRB on March 11, 2016, and a sworn statement to the CCRB on March 23, 2016, with regard to the incident on March 4, 2016 (Board Review 01; 15; 16). § 87(2)(g). § 87(2)(b) stated that on March 4, 2016, she spoke with an officer by the desk, and showed him and other officers some documents including her PBA card. While speaking with the officers, another officer approached § 87(2)(b) and told her, “If you don’t get out of here I’m going to lock you up.” § 87(2)(b) denied doing anything at the stationhouse that would have warranted her being told to leave.

Sgt Saks was interviewed at the CCRB on May 4, 2016, and confirmed that he was working as the desk officer on March 4, 2016 (Board Review 18). He denied witnessing or having any knowledge of the incident. He did not know of any officers who fit § 87(2)(b) description of the subject officer.

§ 87(2)(g)

Allegation B – Discourtesy: Sergeant Alexander Saks spoke discourteously to § 87(2)(b) on March 27, 2016.

Allegation C – Abuse of Authority: Sergeant Alexander Saks threatened to arrest § 87(2)(b) on March 27, 2016.

§ 87(2)(b) provided a statement to IAB on March 27, 2016, an unsworn phone statement to the CCRB on April 6, 2016, and a sworn phone statement to the CCRB on May 11, 2016, with regard to the incident on March 27, 2016 (Board Review 02; 17; 19). In her sworn statement, § 87(2)(b) alleged that on March 27, 2016, while wishing officers at the PSA1 Stationhouse a happy Easter, Sgt Saks approached § 87(2)(b) from behind the desk, told her, “Get the fuck out of here,” or, “Get the fuck out of the precinct,” and told her, “Get out or I’m going to lock you up.” § 87(2)(b) did not allege the discourteous statements in her unsworn phone statement or statement to IAB. The alleged statements were the first statements Sgt Saks made to § 87(2)(b) and no other officers spoke to § 87(2)(b). § 87(2)(b) immediately left the stationhouse. She was unable to describe any officers who may have witnessed the incident.

Sgt Saks denied seeing or interacting with § 87(2)(b) on March 27, 2016, and denied learning that she had come to the stationhouse that day. Sgt Saks explained that § 87(2)(b) calls the stationhouse approximately ten times a day, ranting and screaming, and comes to the stationhouse several times a day, cursing, screaming, and showing officers random newspaper clippings. Though Sgt Saks had seen § 87(2)(b) numerous times in the months preceding his CCRB interview, he denied speaking with her or telling her to leave the stationhouse on any of those occasions, and stated that he does not speak to § 87(2)(b). Sgt Saks added that no officers want to deal with or approach § 87(2)(b) and added that officers usually do not tell her to leave the stationhouse, as she generally finishes her “rants” and screaming within a few minutes and then leaves on her own accord.

In case § 87(2)(b) which was filed by § 87(2)(b) Sgt Saks was interviewed at the CCRB and maintained that he never speaks to § 87(2)(b) when she comes to the stationhouse and instead, has other officers address her.

§ 87(2)(g)

Squad: ____

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date